

1. I am an associate at the law firm of Twomey, Latham, Shea, Kelley, Dubin & Quartararo, LLP, attorneys for the defendants, Suffolk County Water Authority ("SCWA") and Paul Greenwood ("Greenwood"). I am fully familiar with the facts and circumstances set forth herein unless otherwise stated.

2. SCWA and Greenwood submit this Response to the Notice of Objection to Magistrate's 2/17/10 Report (the "Notice of Objection") filed by the Plaintiff, Annselm Morpurgo, on March 2, 2010.

3. The Report and Recommendation appropriately recommended dismissal of the Amended Complaint against the SCWA and Greenwood, correctly finding that "Plaintiff has failed to plead a conspiracy because she has not alleged any facts showing that Greenwood and/or the SCWA entered into any type of agreement with the other Defendants." Report and Recommendation at p. 30.

4. The Notice of Objection makes no specific argument relative to the Magistrate's recommendation of dismissal of Plaintiff's claims against the SCWA and Greenwood, and it provides no additional clarification as to how the SCWA and Greenwood were involved with the remaining co-defendants in a purported conspiracy. In fact, the Notice of Objection makes no mention whatsoever of the SCWA or Greenwood.

5. Thus, Plaintiff's Notice of Objection has failed to show that Magistrate Tomlinson was incorrect in finding that "Plaintiff has presented no evidence to support her theory of a conspiracy with regard to the SCWA Defendants and what she describes here is not the equivalent of a conspiracy for Section 1983 purposes." Report and Recommendation at p. 31.

6. The Notice of Objection also fails to demonstrate any error in Magistrate Tomlinson's conclusion that "leave to replead would be futile in light of the grounds upon which [she was] recommending dismissal of the Amended Complaint." Report and Recommendation at p. 49. Plaintiff's Notice of Objection has not shown how under any circumstances that the conduct alleged in her Amended Complaint would amount to a violation of civil and constitutional rights under 42 U.S.C. §1983.

7. Plaintiff's Notice of Objection, like the Amended Complaint, sets forth nothing more than speculation and conclusory allegations that fail to establish a 42 U.S.C. §1983 claim against SCWA or Greenwood. As such, it is respectfully requested that this Court confirm the February 17, 2010 Report and Recommendation of Magistrate Tomlinson and dismiss the Plaintiffs' Amended Complaint as against Defendants SCWA and Greenwood.

Dated: Riverhead, N.Y.
March 4, 2010

s/PBF
Patrick B. Fife (PF-2927)